



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT Kevin M. Christiansen
SERIAL NO.: 10/667,241
FILING DATE: September 18, 2003
TITLE: System for Data Transfer Through an I/O Device
Using a Memory Access Controller Which Receives
and Stores Indication of a Data Status Signal
ATTY. DKT. NO.: 18602-08301 (P1547R1C1)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 7 May 2004.

By: [Signature]
Daniel R. Brownstone; Reg. No.: 46,581

MAILSTOP PETITION
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313

DECLARATION OF DANIEL R. BROWNSTONE

I, Daniel R. Brownstone, am an attorney registered to practice before the United States Patent and Trademark Office ("PTO"). My registration number is 46,581. I and other attorneys in the firm of Fenwick & West LLP represent the Applicant and assignee of record, Apple Computer, Inc., with respect to various patent-related matters, including prosecution of application 10/667,241. I hereby declare the following:

1. On or about October 4, 2001, Fenwick & West LLP was instructed by the Applicant to file and on October 4, 2001 did file application 09/972,847 as a reissue of U.S. Patent No. 5,961,614.

2. The sole named inventor in the application is Kevin M. Christiansen.

3. On January 4, 2002, Mr. Christiansen executed a reissue declaration. The reissue declaration was submitted on February 11, 2002 to the PTO as part of a response to a Notice to File Missing Parts.

4. In an Office Action mailed March 18, 2003, the Examiner found that the declaration on file did not support claims subsequently added by amendment, and required a new declaration.

5. On September 16, 2003, a copy of the application, preliminary amendment, amendment A, and a reissue declaration were sent via FedEx overnight courier to Kevin Christiansen at his last known address. The tracking number of the package was 792970709659. The package was delivered on September 17, 2003 at 9:31 AM.

6. Kevin Christiansen did not return an executed declaration to our firm.

7. On September 18, 2003, I filed application 10/667,241 in the PTO via Express Mail. The application was filed as a continuation of application 09/972,847 and included an unsigned declaration.

8. A Notice to File Missing Parts of Reissue Application was mailed from the PTO on November 7, 2003.

9. On January 12, 2004, I sent via FedEx a copy of application number 10/667,241, a preliminary amendment and a second copy of a declaration to Kevin Christiansen at his last known address.

10. Kevin Christiansen did not return an executed declaration to our Firm.

11. On March 10, 2004, I telephoned and spoke with Kevin Christiansen. He admitted having received the FedEx that I sent on January 12, 2004, but asked

me to send an additional copy. He did not indicate whether he would or would not execute the declaration. He asked me why he was required to sign another declaration when he had signed one previously, and I explained the reason that a new reissue declaration was required. I asked Mr. Christiansen to contact me immediately if he did not want to execute the declaration or if he had any questions about it. I asked him if I could e-mail him a copy of the application, preliminary amendment and declaration, and he indicated that I could not.

12. On March 11, 2004, I sent via Certified United States Mail, tracking number 7099 3400 0016 7170 3702, an additional copy of the application, preliminary amendment and a third copy of the declaration to Kevin Christiansen, at his last known address.

13. On March 31, we had not received an executed declaration, and I telephoned Mr. Christiansen at (408) 867-5470, which I knew to be his telephone number because it is the same number at which I reached him on March 10. In addition, the outgoing voice mail message stated "This is Kevin." In my voice mail, I reiterated the need for him to review the application, and either sign the declaration or advise us of his refusal to sign.

14. On or about April 2, 2004, I received the unopened Certified United States Mail package sent to Kevin Christiansen on March 11. The unopened envelope indicates that an attempt was made by the United States Postal Service to deliver the package on March 12, March 25 and March 31, and that the envelope was returned to the sender because it had been unclaimed.

15. As of May 7, 2004, Mr. Christiansen has not returned any of the declarations that were sent to him for signature.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be



true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7 May 2004

Date

D. R. Brownstone

Daniel R. Brownstone, Reg. No. 46,581



**REISSUE APPLICATION: DECLARATION BY THE
APPLICANT UNDER 37 C.F.R. § 1.47(B)**

Docket Number (Optional)
18602-08301 (P1547R1C1)

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,961,614, granted October 5, 1999, and for which a reissue patent is sought on the invention entitled SYSTEM FOR DATA TRANSFER THROUGH AN I/O DEVICE USING A MEMORY ACCESS CONTROLLER WHICH RECEIVES AND STORES INDICATION OF A DATA STATUS SIGNAL

the specification of which

- ☐ is attached hereto.
- ☒ was filed on September 18, 2003 as reissue application number 10/667,241
and was amended on September 18, 2003
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☐ by reason of a defective specification or drawing.
- ☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

At least one error being relied upon as the basis for reissue is the failure to claim or further claim subject matter disclosed in the specification pertaining to a media access controller including circuitry that controls the operation of the media access controller based on a data status signal generated by an I/O device after the transfer of a data unit to an external system.

(REISSUE APPLICATION: DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
18602-08301 (P1547R1C1)

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

David L. Hayes, Reg. No. 34,838; Robert R. Sachs, Reg. No. 42,120; Amir H. Raubvogel, Reg. No. 37,070; Brian M. Hoffman, Reg. No. 39,713; Daniel R. Brownstone, Reg. No. 46,581; Michael R. Blum, Reg. No. 44,543; Richard J. Lutton, Jr., Reg. No. 39,756; Mark Aaker, Reg. No. 32,667; Richard C. Liu, Reg. No. 34,377; Edward W. Scott IV, Reg. No. 36,000; Helene Plotka Workman, Reg. No. 35,981; Brian Way, Reg. No. 47,171.

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

00758

Type Customer Number Here

☐ Firm or
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Kevin M. Christiansen

Applicant's Signature under 37 C.F.R. § 1.47(b) and MPEP § 409.03(b)(A)

Date

7 May 2004

Inventor's Residence

Saratoga, California

Citizenship

U.S.

Inventor's Mailing Address

20691 Carniel Avenue, Saratoga, California 95070

Full name of sole or second inventor (given name, family name)

Inventor's Signature

Date

Residence

Citizenship

Mailing Address

Full name of sole or third inventor (given name, family name)

Inventor's Signature

Date

Residence

Citizenship

Mailing Address

☐ Additional Patentees are named on separately numbered sheets attached hereto.